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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA

7
8 NICHIA CORPORATION, No. C-06-00162 MMC (JCS)

9 Plaintiff(s),
10 v.

ORDER RE MOTION TO COMPEL
[Docket Nos. 987, 1006]

11 SEOUL SEMICONDUCTOR, LTD.,
12 ET AL.,

13 Defendant(s).
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15 The parties filed a joint letter on February 19, 2008 (the “Motion”) [Docket No. 987] and a
16 supplemental letter on February 25, 2008 [Docket No. 1006]. In the Motion, Defendant Seoul
17 Semiconductor seeks all invoices, bills, and billing statements reflecting attorneys’ fees and costs
18 charged or incurred representing Plaintiff, Nichia Corporation, in this action. Plaintiff previously
19 sought this exact information for fees and costs charged by Defendant’s counsel.

20 Plaintiff’s argument that it will produce all “relevant” invoices on February 21 when it files
21 its motion is not responsive. It has not agreed to produce all of the information sought by the
22 subpoena to its counsel or requested in the request for production. All such records, including
23 records regarding fees and costs incurred but for which Plaintiff has decided not to seek a fee award,
24 are relevant to determination of a reasonable fee award in this case.

25 Plaintiff’s lack of cooperation in this matter is particularly disturbing to the Court. Plaintiff’s
26 counsel may or may not have been properly served with the subpoena, but Plaintiff and its counsel
27 knew of the subpoena before the time for production. Plaintiff itself was the subject of a request for
28 production that was due at a later time. By these efforts, Defendant sought to have the billing

1 records produced before the motion for fees was filed – just like the order Plaintiff sought regarding
2 Defendant's attorneys' fee bills. Plaintiff should have turned over the fee records immediately upon
3 learning that they were requested, and surely has no excuse for not agreeing to produce all fee
4 records sought by the requests. Rather than do so, Plaintiff stood on the technical lack of service,
5 and asserted the position that it would only produce the invoices for which it sought an attorneys'
6 fee award. (Motion at 6.)

7 Leaving aside the subpoena, Plaintiff does not dispute that the request for production was
8 served on Plaintiff. Accordingly, Plaintiff and its counsel are ORDERED to produce, **within 24**
9 **hours** of the filing of this Order, all invoices, bills, and billing statements reflecting any and all
10 attorneys' fees and costs charged or incurred representing Plaintiff in this action.

11 IT IS SO ORDERED.

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13 Dated: February 25, 2008

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JOSEPH C. SPERO
United States Magistrate Judge

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